

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

F028047 In re David M., a Minor.
Order to Show Cause as to Emory King, Jr., Esq., with subject of the Order to Show Cause present. Matter presented and submitted. The appellant's opening brief having been filed, the Order to Show Cause against said attorney be and is hereby discharged.

Court adjourned.

The court convened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Yolanda I. Grigsby, Deputy Clerk.

F025611 Bissett et al. v. Staggs et al.
Cause called and argued by Denslow Green, Esq., counsel for appellant and by Nancy C. Staggs, Esq., counsel for respondent.
Cause ordered submitted.
At this point Thaxter, J. leaves the bench and is replaced by Harris, J.

F024028 Magana et al. v. Tri-Valley Growers et al.
Cause called and argued by Sylvia Velez, Esq., counsel for appellant and by John F. Strangman, Esq., counsel for respondent.
Cause ordered submitted.
Court recessed until Thursday, December 18, 1997 at 10:00 A.M.

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F025490 People v. Smith

The judgment of conviction for voluntary manslaughter is reversed and the cause remanded to the superior court with directions to enter a judgment of guilty of involuntary manslaughter if the prosecutor consents to forgo prosecuting appellant for voluntary manslaughter and resentence appellant accordingly; or, in the alternative, to set the cause for retrial if the prosecutor does not so consent. In all other respects, the judgment is affirmed. Ardaiz, P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F026210 Estate of Edith May Kelm, Deceased; Weir, etc. v. Ferreira v. Kelm

The judgment is affirmed. Costs to respondent Katheryne Ferreira. Thaxter, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[CERTIFIED FOR PUBLICATION]

F023988 People v. Rascon

Filed modification of opinion on denial of rehearing (no change in judgment). Stone (W.A.), Acting P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027424 People v. Garcia

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F025487 Riley v. North of the River Municipal Water District, et al.

The judgment against appellant William Miller is reversed. In all other respects, the judgment is affirmed. Thaxter, J.

We concur: Stone (W.A.), Acting P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F025065 People v. Young

The judgment of conviction is modified to reflect a conviction of misdemeanor assault in count II in lieu of the conviction for assault with a firearm, and in all other respects is affirmed. The judgment of sentence is reversed and the matter is remanded for resentencing. Thaxter, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

See concurring & dissenting opinion by Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F026491 People v. Kerns

The judgment is affirmed. Levy, J.

We concur: Stone (W.A.), Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F025976 People v. Musgrave

The judgment is affirmed. Thaxter, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]